

CITY COUNCIL OF ALEXANDRIA, VIRGINIA

Public Hearing Meeting
Saturday, November 17, 2001 - - 9:30 A.M.

Present: Mayor Kerry J. Donley, Vice Mayor William C. Cleveland, Members of City Council Claire M. Eberwein, William D. Euille, Redella S. Pepper, David G. Speck, and Joyce Woodson.

Absent: None.

Also Present: Mr. Sunderland, City Manager; Mr. Pessoa, City Attorney; Ms. Evans, Assistant City Manager; Mrs. Godwin, Assistant City Manager; Mr. Jinks, Assistant City Manager; Ms. Fogarty, Director of Planning and Zoning; Code Enforcement Director Dahlberg; Ms. Ross, Deputy Director of Planning and Zoning; Mr. Baier, Director of Transportation and Environmental Services; Ms. Whitmore, Director of Recreation, Parks and Cultural Activities; Mr. Neckel, Director of Finance; Director of Housing Davis; Legislative Director Caton; Mr. McCobb, Deputy Director of Transportation and Environmental Services; Mr. Sanderson, Director of Real Estate Assessments; Mr. Smith, Principal Staff, Board of Architectural Review; Ms. Johnson, Division Chief, Planning and Zoning; Ms. Beeton, Mr. Tate and Ms. Hashemi, Urban Planners, Planning and Zoning; Mr. Eiffert, Director of Adult Services; Fire Chief Hawkins; and Captain Rosboschil and Lieutenant Hazel, Police Department.

Recorded by: Mrs. Beverly I. Jett, City Clerk and Clerk of Council.

OPENING

The Meeting was called to Order by Mayor Donley, and the City Clerk called the Roll; all Members of City Council were present with Councilman Speck arriving at 10:05 a.m.

New Business Item No. 1: At this time, Mayor Donley, on behalf of City Council, wished the citizens of Alexandria a very Happy Thanksgiving. Given the events of September 11, he stated that he can't think of a Thanksgiving that is probably more important then this one because we have a lot in this Country to be thankful for, and this is clearly a unique American holiday.

2. Public Discussion Period.

(a) Sammie Jones, P. O. Box 90254, Washington, D.C., spoke to homelessness in the City and asked for a suitable place for homeless persons to live. He noted that the homeless community is a resource that is untapped and is willing and able to work.

Mayor Donley explained that the City does have two emergency shelters in Alexandria, i.e., Carpenter's Shelter and the City's shelter on Mill Road, that do provide housing for homeless people. In addition, he noted that the City also has the *JobLink* Department which is there to get people employment.

Mayor Donley asked that staff speak with Mr. Jones and perhaps convene a meeting with folks who he is aware of in a homeless situation to get them into one of our shelters and then work to get some employment for them. He noted that there are employment options available, and we need to connect Mr. Jones and the people he represent with the services the City has already in place.

(b) Dale Dover, 228 South Washington Street, private practitioner in the City, offered to place a headstone at the gravesite of Katelyn Frazier who would have been 4-years-old this coming December, and she met a tragic death just about a year ago. He and Mr. Adam would like to rectify the fact that she has no marker on her grave. He stated that if Council will refer to the Department of Social Services, they can verify that in his official capacity, as a matter of record, he has standing and status to make this petition to Council. Mr. Dover reported that the money will come from his own funds. Time is of the essence because we will be celebrating her fourth birthday.

(c) Bruce Charles Adam, 616 South Washington Street, Guardian Ad Litem of Katelyn Frazier at the time she died, indicated that they would like to have a headstone for her since she is buried without one at this time. There is no one in her family or anyone else who appears to have any funds or interest to do so. He joined with Mr. Dover in asking for the authority to provide a headstone for this child, and they are willing to do so from their own funds.

Mayor Donley asked whatever is necessary to honor the request and to assist them that we go ahead and do so.

City Attorney Pessoa stated that he will work with the Department of Social Services to see that this goes forward if it's the will of Council.

Mayor Donley requested Mr. Dover and Mr. Adam to contact City Attorney Pessoa if they need any assistance.

(d) A. Melvin Miller, 3928 Colonel Ellis Avenue, representing the Alexandria Redevelopment and Housing Authority, provided Council with an update as to where ARHA is with the Samuel Madden redevelopment. ARHA met in special meeting on Monday night and approved the RFQ and also the contract for the Hope VI Program Manager. They have submitted it to HUD, and currently are working on the announcements which have to go out to begin the process which should be no later than December 1.

Mr. Miller publicly thanked and commended the City Council, the City Manager and his staff, as well as ARHA staff for the way we worked through this process.

He suggested that City Council, ARHA, and respective staffs sit down, not around contentious issues, but around where we want to go for housing in this City to try to see if we can work to do something about it.

Mr. Miller reported that ARHA has been working very diligently with its residents and resident groups to work out and correct the problems that were identified in the past.

Mayor Donley commented and thanked Mr. Miller and the ARHA Board for working with the City on this specific project, the Samuel Madden Homes, and noted that they will be able to work together to make sure that the process works, and we do get a quality redevelopment that is focused on serving the residents and providing improved housing for them.

Vice Mayor Cleveland thanked the City Manager, staff and ARHA for the information that he received which was very enlightening and truly hopes that everything will go very wonderfully for all concerned.

(e) Joanne Tomasello, 511 North Pickett Street, commended the City Council for its continued support of great causes and needs in this City, and the time and attention that Council lends to many concerns related to health issues of its citizens and the quality of life issues. She expressed concern about the images and accessibility created by the Foxchase Theaters and the video shop. Ms. Tomasello asked Council to please consider jurisdictional ordinance recommendations which speak to the quality of life to this community in the future given its proximity to schools and the parks.

Councilwoman Pepper reported on these issues. She indicated that she is trying to explore what the best option is as to how Council wants to move forward with this. She stated that she is working with the City Attorney and the Mayor. Ms. Pepper stated that a conclusion has not been reached, but we're still looking into and investigating it.

(f) Mariella Posey, 915 Second Street, stated that the citizens often criticize or complain about City staff, and she is guilty of it. She said that if the citizens complain that they also should acknowledge a job well done. She thanked the Office of the Mayor, the Office of Planning and Zoning and Barbara Ross for a rapid response she received in resolving an issue she had with the City.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES

ACTION CONSENT CALENDAR (3-8)

Planning Commission

Without objection, City Council removed docket item no. 7 from the Action Consent Calendar and considered it under a separate motion.

3. DEVELOPMENT SPECIAL USE PERMIT #2001-0016 -- 4109 DUKE ST -- CROWN STATION -- Public Hearing and Consideration of a request for a development special use permit for extension of time for approved renovations to an automobile service station; zoned CC/Community-Commercial. Applicant: Crown Stations, Inc., by Erika L. Byrd, attorney.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated November 8, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3; 11/17/01, and is incorporated herewith as part of this record by reference.)

4. SPECIAL USE PERMIT #2001-0096 -- 1026 KING ST -- SPEEDY'S CHICKEN PLACE -- Public Hearing and Consideration of a request for a special use permit to expand the existing restaurant to the second floor, serve alcoholic beverages, and to change the hours of operation; zoned CD/Commercial Downtown. Applicant: Global Connections, LLC, by Teodula R. Pascual.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated November 8, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4; 11/17/01, and is incorporated herewith as part of this record by reference.)

5. SPECIAL USE PERMIT #2001-0097 -- 808-816 FRANKLIN ST -- GREENE FUNERAL HOME -- Public Hearing and Consideration of a request for a special use permit for expansion of a noncomplying use (funeral home); zoned CL/Commercial Low. Applicant: Nelson E. Greene.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated November 8, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5; 11/17/01, and is incorporated herewith as part of this record by reference.)

6. SPECIAL USE PERMIT #2001-0098 -- 1767 KING ST -- SEAGAR'S RESTAURANT -- KING ST METROPLACE HILTON -- Public Hearing and Consideration of a request for a special use permit to expand the existing restaurant to allow outdoor live entertainment; zoned OCH/Office Commercial High. Applicant: LNR Alexandria Limited Partnership, dba Hilton Alexandria Old Town, by Harry P. Hart, attorney.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated November 8, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6; 11/17/01, and is incorporated herewith as part of this record by reference.)

8. ENCROACHMENT #2001-0008 -- 1102 KING ST -- Public Hearing and Consideration of a request for encroachment into the public sidewalk right-of-way to construct a display window; zoned CD/Commercial Downtown. Applicant: Michele L. Richardson.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated November 8, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8; 11/17/01, and is incorporated herewith as part of this record by reference.)

END OF ACTION CONSENT CALENDAR

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilwoman Woodson and carried on a vote of 6-to-0, City Council approved the Action Consent Calendar as presented with the exception of docket item no. 7 which was considered under a separate motion. The Planning Commission recommendations are as follows:

- 3. City Council approved the Planning Commission recommendation.
- 4. City Council approved the Planning Commission recommendation.
- 5. City Council approved the Planning Commission recommendation.
- 6. City Council approved the Planning Commission recommendation.
- 8. City Council approved the Planning Commission recommendation.

END OF ACTION CONSENT CALENDAR

The voting was as follows:

Pepper	"aye"	Cleveland	"aye"
Woodson	"aye"	Eberwein	"aye"
Donley	"aye"	Euille	"aye"
	Speck		not yet arrived

7. **SPECIAL USE PERMIT #2001-0099 -- 73-75 S BRAGG ST --** Public Hearing and Consideration of a request for a special use permit to allow a church to use off-street parking within 300 feet of the church property; zoned OCM-100/Office Commercial Medium. Applicant: Ethiopian Orthodox Tewahdo Hamere Nahe Kidane Mehret Church, by Harry P. Hart, attorney.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated November 8, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7; 11/17/01, and is incorporated herewith as part of this record by reference.

A copy of the proposed amendment is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 7; 11/17/01, and is incorporated herewith as part of this record by reference.)

Mary Catharine Gibbs, 307 North Washington Street, attorney representing the applicant, requested that condition no. 5 be amended; which amendment was agreeable to staff.

WHEREUPON, upon motion by Councilman Euille, seconded by Councilwoman Pepper and carried on a vote of 6-to-0, City Council approved the Planning Commission recommendation, **with condition no. 5 amended to read as follows: 5. The applicant shall construct curb/gutter, sidewalk and driveway aprons along the frontage of the property within twelve months of approval or if the applicant submit plans for redevelopment of the lots within twelve months of approval, then at the time of redevelopment of the lots. All construction shall meet current city design standards.** The voting was as follows:

Euille	"aye"	Cleveland	"aye"
Pepper	"aye"	Eberwein	"aye"
Donley	"aye"	Speck	not yet arrived
	Woodson	"aye"	

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

9. Public Hearing on Recommendations Making Old Dominion Boulevard North of West Glebe Road and Notabene Drive One-Way Streets, Changing the Existing Parallel Parking to Diagonal Parking on the West Side of Each of These Streets. (#17 10/23/01)

(A copy of the City Manager's memorandum dated October 18, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9; 11/17/01, and is incorporated herewith as part of this record by reference.

Communications received on this item are on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 2 of Item No. 9; 11/17/01, and is incorporated herewith as part of this record by reference.

A copy of the PowerPoint presentation is on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 3 of Item No. 9; 11/17/01, and is incorporated herewith as part of this record by reference.)

Director of Transportation and Environmental Services Director Baier provided Council with an overview of the history of this item and gave a PowerPoint presentation. Members of City Council directed questions to Director Baier and Code Enforcement Director Dahlberg.

The following persons participated in the public hearing on this item:

Donald W. Shepperd, 3819 Courtland Circle, president, Lenox Place at Sunnyside Homeowners' Association, spoke against and responded to questions posed to him by Members of City Council;

Robert Lewis, 3901 Courtland Circle, representing residents living north of West Glebe Road, spoke against;

Michele Lewis, 3901 Courtland Circle, representing residents in Lenox Place and surrounding areas, spoke against;

James T. Rorke, 3816 Charles Avenue, vice president, Lenox Place Homeowners' Association, spoke against;

Art Garza, 3920 Charles Avenue, spoke against;

Keith W. Stiles, 3920 Charles Avenue, spoke against;

Walter F. Druckenmiller, Jr., 3910 Charles Avenue, spoke against;

Joseph F. Schramm, 511 North Overlook Drive, spoke in support;

Dan Melchior, 506 Tennessee Avenue, spoke in support;

Loren Sweatt, 506 Tennessee Avenue, spoke in support, and noted others who supported the staff recommendation;

Steve Cloud, 399 Tennessee Avenue, representing North Ridge Citizens' Association, spoke in support;

Jody Leidolf, 909 North Overlook Drive, representing North Ridge Citizens' Association, spoke in support;

Judy Bliss, 725 Four Mile Road, representing Arlandria Civic Association, spoke against;

Barbara P. Hayes, 3603 Old Dominion Boulevard, representing North Ridge Citizens' Association, spoke in support;

James P. Darr, Jr., 3604 Norris Place, spoke in support;

Mike Oliver, 3113 Circle Hill Road, representing North Ridge Citizens' Association, spoke in support;

Michael Franklin, 3911 Courtland Circle, representing his family, spoke against;

Jim Mellon, 907 Eldon Drive, representing Beverley Hills United Methodist Church, spoke in support;

Paul Pisano, 408 Tennessee Avenue, spoke in support;

Elizabeth Harling, 3826 Charles Avenue, spoke against;

Robert Orr, Jr., 413 Tennessee Avenue, spoke in support;

Alethea Taylor Camp, 2912 Landover Street, representing Upper Potomac West Task Force and Warwick Village, spoke to process;

Sharon Thompson, 721 Four Mile Road, representing Arlandria Civic Association, spoke against;

Harold A. Brooks, 29 West Reed Avenue, city-neighborhood liaison for Hume Springs, spoke to this issue;

Sarah Higgins, 412 Tennessee Avenue, representing the North Ridge Citizens' Association, spoke in support;

Andrea Psmithe, 3804 Elbert Avenue, spoke against;

Lindsey Gaston, 3813 Courtland Circle, representing Paul Dvorak, spoke against;

William E. Clayton, 3402 Halcyon Drive, representing North Ridge Citizens' Association, spoke in support; a copy of his statement is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 4 of this item; and

Marina Rodriquez, 717 Four Mile Road, spoke against.

The public hearing was concluded and Council participated in an extensive discussion on this issue.

Mayor Donley suggested that a task force or an ad hoc group be established which would include North Ridge, Lenox Place, Sunnyside, Arlandria, Hume Springs, apartment owners and then some outreach for representatives who are renters who all need to be part of the solution. One of the things that he would like the task force to evaluate in addition to parking, would be the advisability of traffic calming measures, whether it's speed tables, or whether it's delineated parking lanes on Elbert Avenue, particularly.

Councilman Speck suggested that the Manager consider, after this particular program is actually physically in place, approximately a year after it's done, docketing a public hearing to make sure that everyone has a forum for talking about whether it has worked, whether it hasn't, what changes need to be made or anything else. With respect to Code Enforcement, he suggested that we need to be even more visible or vigilant in showing that we are not letting the little things get beyond us. Councilman Speck expressed concern about Elbert Avenue. We need to be on top of that. If it needs Council to be thinking about more direction in terms of capital resources or anything else, Council needs to know that. Finally, on the point about a task force or committee or whatever, he stated that clearly there needs to be some mechanism that brings all of the people that have a stake in this and staff and departments to sit and talk about a lot of these little issues that sort of percolate and get bigger and get blown up. When we try to bring people together early on and regularly, some of the little things do begin to get tackled quickly and become a part of a solution that is holistic and does, in fact, have some real meaning to it.

Councilwoman Pepper indicated that some kind of solution needs to be figured out for the impact that this is going to have on Elbert Avenue.

Councilwoman Woodson supported the establishment of a task force suggested by the Mayor which covers all of the communities that abut this area.

Councilwoman Eberwein noted that Presidential Greens may be changing hands soon which may provide an opportunity for the City to work directly with the new owners with respect to some of the alleys for parking. She requested that a special look be taken at Elbert Avenue because it is narrow. With regard to speed tables, Councilwoman Eberwein indicated that she would hope staff would review it after putting in the parking and the one-way signage because that may significantly reduce the speed. Ms. Eberwein stated that staff may end up wanting to put those speed tables some place else such as on Glebe Road which might be more helpful for residents who live there to cross Glebe Road.

WHEREUPON, upon motion by Councilman Euille, seconded by Vice Mayor Cleveland and carried unanimously, City Council affirmed the recommendations of staff and the decision of the Traffic and Parking Board as follows: (a) make Old Dominion Boulevard one-way south between the Lenox Townhome driveway entrance and Four Mile Run Drive; (b) make Notabene Drive one-way north between Old Dominion Boulevard and Four Mile Run Drive; and (c) change the existing parallel parking on the west side of Old Dominion Boulevard and the east side of Notabene Drive to diagonal parking; in addition, established a task force to continue to address these issues, working with staff and the affected neighborhoods for a holistic approach to solving the quality of life challenges, to include Code Enforcement, seeking additional parking spaces, leased and/or otherwise, to address the traffic calming measures that are needed and to include enhanced police and parking enforcement presence and enforcement in those affected neighborhoods. The voting was as follows:

Euille	"aye"	Eberwein	"aye"
Cleveland	"aye"	Pepper	"aye"
Donley	"aye"	Speck	"aye"
		Woodson	"aye"

Whereupon, at 1:12 p.m., City Council recessed for lunch.

Thereupon, at 1:45 p.m., City Council reconvened the meeting.

10. (a) Public Hearing on the Proposed City Legislative Package for the 2002 General Assembly Session. (#18 10/23/01)

(A copy of the City Manager's memorandum dated October 17, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10(a); 11/17/01, and is incorporated herewith as part of this record by reference.

A copy of the City Manager's memorandum dated November 12, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 10(a); 11/17/01, and is incorporated herewith as part of this record by reference.)

(b) Public Hearing on the City of Alexandria's Proposed 2002 Charter Bill.

(A copy of the proposed Charter Bill is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10(b); 11/17/01, and is incorporated herewith as part of this record by reference.)

The following persons participated in the public hearing on this item:

Charles Trozzo, 209 Duke Street, representing the Alexandria Historical Restoration and Preservation Commission, requested to amend its original legislation that formed the Commission as follows: to enable the Commission to preserve properties and open space having local, state or national historical significance dating back at least fifty years.

Lois Van Valkenburgh, 5100 Fillmore Avenue, expressed appreciation, on behalf of the Commission on Aging and the Northern Virginia Aging Network, for Council's support of the items in their program;

Richard Hobson, 99 Quaker Lane, representing the Alexandria Democratic Committee, spoke in support of Item 1.J. relating to increasing and preserving open space in the City and authorization to increase the local recordation tax to provide funds for the City's open space needs. He commended Council for this initiative; and

Sue Capers, 311 Wolfe Street, representing the Virginia Coalition for the Homeless, requested support and inclusion in the City's legislative package in response to the lack of affordable rental housing in Virginia and urged passage of an Emergency Rental Assistance Program; a copy of her statement is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 10(a).

Staff requested that a position be incorporated in our legislative package for additional state funding for public health to respond to bioterrorism and other threats.

Mayor Donley added a support item which is to support continued funding for the Northern Virginia Regional Partnership at its current funding level.

WHEREUPON, upon motion by Councilman Euille, seconded by Councilwoman Eberwein and carried unanimously, City Council closed the public hearing, referred the matters that were brought up today to staff for consideration in the final package which will be before Council on Tuesday, November 27, following Council's work session with the General Assembly delegation. The voting was as follows:

Euille	"aye"	Cleveland	"aye"
Eberwein	"aye"	Pepper	"aye"
Donley	"aye"	Speck	"aye"
	Woodson	"aye"	

11. Public Hearing on the Final Report of the City Manager's Affordable Housing Task Force. (#16 10/23/01)

(A copy of the City Manager's memorandum dated October 15, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 11; 11/17/01, and is incorporated herewith as part of this record by reference.

A copy of the chart entitled "Incomes at 30% to 75% of Area Median Family Income" is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 11; 11/17/01, and is incorporated herewith as part of this record by reference.)

The following persons participated in the public hearing on this item:

Scott McGeary, 6801 Industrial Road, Springfield, VA, president, Alexandria Chapter of Northern Virginia Building Industry Association, spoke in support; a copy of his statement is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of this item;

Allen Lomax, 5021 Seminary Road, #730, representing the Economic Opportunities Commission, spoke in support of the report; a copy of his statement is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 4 of this item;

Jeremy Flachs, 1521 Oronoco Street, representing the Affordable Housing Advisory Committee, spoke in support;

William Nussbaum, 801 North Fairfax Street, #402, representing the Alexandria Chamber of Commerce, expressed recommendations from the Chamber's Affordable Housing Task Force; a copy of his statement is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 5 of this item;

Scott Frey, 618 South Payne Street, representing the Alexandria Commission on Aging, spoke in support; a copy of his statement is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 6 of this item;

Lois Kebe, 104 North Jordan Street, spoke in support;

Poul Hertel, 1217 Michigan Court, spoke in support, urged support for the rental assistance or housing assistance recommendations and commented on the report;

Richard Leibach, 200 North Pickett Street, #507, representing the Planning Commission, provided Council with an overview of the Planning Commission's position on this; a copy of the Planning Commission position paper is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 7 of this item;

Amy Wyatt, homeless street person, representing the homeless who work and are non-drug and non-alcohol users, requested true affordable housing; and

Don Mela, 501 Slaters Lane, noted that the report is a good piece of work, and suggested a supplementary study regarding the goal of staying with no net decrease as he wondered how fast the City is losing affordable housing. He indicated that by use of the assessor's data and some analysis, we could get some feel for that, and it might be possible then to compare that with what we might expect through implementation of some of the proposed programs.

The public hearing was concluded.

Councilman Euille and Councilwoman Woodson commented on the efforts of the task force and thanked the staff and task force members for their hard work.

Mayor Donley spoke to the resolution adopted by the Council of Governments pertaining to affordable housing. When this item is brought back for final consideration, the Mayor would like staff to include with it, the resolution that was adopted by the Council of Governments, and he would like Council to endorse that resolution.

WHEREUPON, upon motion by Councilwoman Woodson, seconded by Councilman Euille and carried unanimously, City Council accepted the recommendations of the Affordable Housing Task Force, and requested that it be docketed for final acceptance as soon as possible. The voting was as follows:

Woodson	"aye"	Cleveland	"aye"
Euille	"aye"	Eberwein	"aye"
Donley	"aye"	Pepper	"aye"
	Speck		"aye"

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

Planning Commission (continued)

12. SPECIAL USE PERMIT #2001-0051 -- 4603 DUKE ST -- FOXCHASE CENTER -- PINES OF FLORENCE RESTAURANT -- Public Hearing and Consideration of (1) staff's recommendation that the special use permit be revoked, and (2) the applicant's request to add live entertainment, to increase the number of indoor seats, and to expand the hours of operation of the existing restaurant; zoned CG/Commercial General. Applicant: GFA, Inc., by Mohammad Khan and Sami U. Khan. (#9 10/13/01)

COMMISSION ACTION: Recommend Denial 6-0

(A copy of the Planning Commission report dated October 2, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 12; 11/17/01, and is incorporated herewith as part of this record by reference.)

The following persons participated in the public hearing on this item:

Samie Khan, applicant, spoke in support and responded to questions posed to him by Members of City Council;

Katy Cannady, 20 East Oak Street, spoke for revocation of this special use permit; a copy of her statement is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of this item;

Cathy Puskar, 3422 Old Dominion Boulevard, attorney representing Washington Real Estate Investment Trust, responded to Councilman Speck's inquiry of whether there has been any communication from the landlord with respect to this shopping center and/or restaurant. Ms. Puskar reported that they have had meetings with staff. We have had meetings with some of the citizens who are affected and who have had some concerns. With respect to Pines of Florence, the landlord supports the City's enforcement of the special use permit. They support the City in whatever it feels is necessary to address the violations;

Roland Gonzales, 4914 Gardner Drive, representing Cameron Station Civic Association, spoke in support of revocation of this special use permit; and

Joseph S. Bennett, 5022-B Barbour Drive, spoke in support of revocation.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilwoman Woodson and carried unanimously, City Council revoked the special use permit. The voting was as follows:

Pepper	"aye"	Cleveland	"aye"
Woodson	"aye"	Eberwein	"aye"
Donley	"aye"	Euille	"aye"
	Speck	"aye"	

13. DEVELOPMENT SPECIAL USE PERMIT #2001-0014 -- 3101 N HAMPTON DR -- NORTHAMPTON PLACE APTS -- Public Hearing and Consideration of a request for a development special use permit, with site plan, to construct two multi-family residential high-rise buildings; zoned CRMU-H/Commercial Residential Mixed Use, High. Applicant: Park Center Office Building III, LLC, and Stone Tract Associates, LP, by J. Howard Middleton, Jr., attorney.

COMMISSION ACTION: Recommend Approval 5-2

(A copy of the Planning Commission report dated November 8, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 13; 11/17/01, and is incorporated herewith as part of this record by reference.

A copy of Ms. Fogarty's memorandum dated November 12, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 13; 11/17/01, and is incorporated herewith as part of this record by reference.

A copy of Fairlington Villages' letter dated November 16, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 13; 11/17/01, and is incorporated herewith as part of this record by reference.

A copy of Ms. Fogarty's PowerPoint presentation is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 4 of Item No. 13; 11/17/01, and is incorporated herewith as part of this record by reference.)

Planning and Zoning Director Fogarty provided Council with an overview of this project and made a PowerPoint presentation.

Housing Director Davis spoke to the affordable housing units that will be provided by this project.

The following persons participated in the public hearing on this item:

Howard Middleton, 3110 Fairview Park Drive, attorney representing the applicant, spoke in support of the application and responded to questions posed to him by Members of Council. Transportation and Environmental Services Deputy Director McCobb participated in the discussion;

Jeremy Flachs, 1521 Oronoco Street, representing the Affordable Housing Advisory Committee, spoke in support;

Dina L. Biblin, 4688 Kirkpatrick Lane, representing Stonegate Foundation, Inc., requested that on-street parking remain on North Hampton Road, between Kirkpatrick and Kell Drive;

Guy Land, 4715 South 31st Street, Arlington, representing Fairlington Villages Condominium Association Board of Directors, asked for a deferral of no more than two months to have some concerns addressed since they were brought into the process during the very late stages;

Stan Darroch, 2820 South Columbus Street, Arlington, representing King Street Neighborhood Alliance, requested a deferral and spoke to traffic issues;

Tom Burke, 2909 South Dinwiddie Street, Arlington, representing King Street Neighborhood Alliance, requested a deferral and spoke to traffic and sewage issues;

Caroline Meirs, requested a deferral and expressed concerns, i.e., parking space requirements and restricting parking on Fairlington Streets, saving trees, and traffic issues;

Ed Hilz, 3405-B South Stafford Street, Fairlington Citizens' Association, also requested a deferral and spoke to sewage, trees, and future widening of King Street; and

Julie Crenshaw, 816 Queen Street, addressed traffic, sewer system, schools and affordable housing.

The public hearing was concluded.

Members of City Council directed questions to Attorney Middleton and Transportation and Environmental Services Deputy Director McCobb.

By the end of February, Mayor Donley asked staff to provide Council with a full report on light signalization and optimization, i.e., what it is planning to do, and when it hopes to have it completed. Staff was requested to send a copy of that report to the respective civic associations so that they know what the City is doing as well.

Councilwoman Pepper suggested that some of the people in the audience who are sort of left with unresolved feelings about the sewers and other issues, get together with our staff and the applicant for maybe a three-way conversation so that they feel comfortable that it is all being worked out.

Councilwoman Woodson encouraged staff to continue to be proactive in reaching out and including our citizens and neighbors at the beginning of a process.

WHEREUPON, upon motion by Councilman Speck, seconded by Councilman Euille and carried unanimously, City Council approved the Planning Commission recommendation, **with an amendment to condition no. 65 to reflect the modifications to the affordable housing units by increasing the number of units from 22 to 25 (two efficiencies; thirteen one-bedrooms; and 10 two-bedrooms.)** The voting was as follows:

Speck	"aye"	Cleveland	"aye"
Euille	"aye"	Eberwein	"aye"
Donley	"aye"	Pepper	"aye"
	Woodson	"aye"	

14. SPECIAL USE PERMIT #2001-0100 -- 4103-4107 DUKE ST -- Public Hearing and Consideration of a request for a special use permit to operate a light automobile repair garage; zoned CC/Commercial Community. Applicant: Ezel B. Alvarenga.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated November 8, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 14; 11/17/01, and is incorporated herewith as part of this record by reference.)

The following persons participated in the public hearing on this item:

John Watson, 4105 Duke Street, #203, representing the applicant, spoke in support of the request; and

Jan Davis, 10 North French Street, requested that she be included in the decision on the type and size of fence since the building is directly behind her house.

Mayor Donley noted that the applicant made a representation that they will work with the abutting property owner with respect to its fence, i.e., material and height, and bring back to the Planning staff for approval.

WHEREUPON, a motion was made by Councilwoman Pepper and seconded by Vice Mayor Cleveland that City Council approve the Planning Commission recommendation.

There was discussion on the motion.

Councilwoman Pepper reminded the owner that this is for automobile detailing only.

Councilman Speck offered friendly amendments to the motion with respect to the fence and noise as follows: to approve by amending condition no. 19 by changing "one year" in the last sentence to "six months."; and amending condition no. 20 as follows: "20. No noise generated by or in connection with an automobile detailing business shall be audible at the residential property line."; which amendments were accepted by the maker and seconder of the motion.

WHEREUPON, Council returned to the main motion, as amended, which motion was made by Councilwoman Pepper, seconded by Vice Mayor Cleveland and carried unanimously, City Council approved the Planning Commission recommendation, **with an amendment to condition no. 19 by changing "one year" in the last sentence to "six months."; and amended condition no. 20. to read as follows: "20. No noise generated by or in connection with an automobile detailing business shall be audible at the residential property line."** The voting was as follows:

Pepper	"aye"	Eberwein	"aye"
Cleveland	"aye"	Euille	"aye"
Donley	"aye"	Speck	"aye"
	Woodson	"aye"	

15. SPECIAL USE PERMIT #2001-0093 -- 1321 LESLIE AV -- COMMONWEALTH ACADEMY -- Public Hearing and Consideration of a request for a special use permit for a private school; zoned CSL/Commercial Service Low. Applicant: Learning Foundations of Metropolitan Washington, Inc., doing business as Commonwealth Academy, by Duncan W. Blair, attorney.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated November 8, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 15; 11/17/01, and is incorporated herewith as part of this record by reference.)

The following person participated in the public hearing on this item:

Duncan W. Blair, 112 South Alfred Street, attorney representing the applicant, responded to questions directed to him by Councilman Speck regarding off-street parking for employees.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Vice Mayor Cleveland and carried unanimously, City Council approved the Planning Commission recommendation. The voting was as follows:

Pepper	"aye"	Eberwein	"aye"
Cleveland	"aye"	Euille	"aye"
Donley	"aye"	Speck	"aye"
	Woodson	"aye"	

At 4:55 p.m., Councilwoman Woodson left the meeting.

16. SPECIAL USE PERMIT #2001-0102 -- 4500 WHEELER AV -- Public Hearing and Consideration of a review of a special use permit for a contractor's storage yard; zoned I/Industrial. Applicant: AMT, LLC, and Kathmar Construction, Inc., by M. Catharine Puskar, attorney.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated November 8, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 16; 11/17/01, and is incorporated herewith as part of this record by reference.)

The following person participated in the public hearing on this item:

Mary Catharine Puskar, 3422 Old Dominion Boulevard, attorney representing the applicant, spoke in support of the special use permit application.

Mayor Donley highlighted condition no. 19 to Attorney Puskar emphasizing that she discuss this particular condition with her client.

WHEREUPON, a motion was made by Councilwoman Pepper, seconded by Vice Mayor Cleveland to approve the Planning Commission recommendation.

Councilman Speck requested a friendly amendment to include the standard language for condition no. 20 (b); which was accepted by the maker and seconder of the motion.

WHEREUPON, Council returned to the main motion, as amended, which motion was made by Councilwoman Pepper, seconded by Vice Mayor Cleveland and carried unanimously by all those present, City Council approved the Planning Commission recommendation, **with an amendment to include the standard language for condition no. 20 (b) which should read: "(b) the director has received a request from any person to docket the permit for review as a result of a complaint that rises to the level of a violation, or".....**The voting was as follows:

Pepper	"aye"	Eberwein	"aye"
Cleveland	"aye"	Euille	"aye"
Donley	"aye"	Speck	"aye"
	Woodson	left meeting	

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

Board of Architectural Review Old and Historic District

17. CASE BAR-2000-0081 -- 619 SOUTH SAINT ASAPH STREET -- Public Hearing and Consideration of an appeal of a decision of the Board of Architectural Review, Old and Historic Alexandria District, on March 21, 2001, denying a portion and deferring a portion for restudy, of a request for approval of driveway gates at 619 South Saint Asaph Street, zoned RM Residential, will be heard. APPLICANT AND APPELLANT: Linda White. (#30 5/12/01)

BOARD ACTION: Denied portion, deferred portion for restudy 4-1

(A copy of the Board of Architectural Review report is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 17; 11/17/01, and is incorporated herewith as part of this record by reference.

A copy of the appeal dated March 29, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 17; 11/17/01, and is incorporated herewith as part of this record by reference.)

The following persons participated in the public hearing on this item:

Patrick St. Pierre, 619 South Saint Asaph Street, representing the applicant/appellant and himself, spoke in support of the appeal;

Lynn Neihardt, 825 South Fairfax Street, representing the Board of Architectural Review, Old and Historic Alexandria District, presented the Board's position and spoke against the appeal;

Harold Foelak, 617 South Saint Asaph Street, spoke in support of the appeal;

Robert Wiles, 608 South Saint Asaph Street, spoke against the appeal; and

Walter Nicklis, 609 South Saint Asaph Street, spoke against the appeal.

The public hearing was concluded.

Councilman Speck directed questions to the applicant with respect to the size and style of the proposed gate.

WHEREUPON, a motion was made by Councilman Speck to remand this back to the Board of Architectural Review with instructions that the Council is not unwilling to see a gate there and to see if some agreement can be worked out that is acceptable relative to the size, width and building material, and the Board of Architectural Review should pay attention so that there is the ability to get in and out of the garage; which motion failed for lack of a second.

THEREUPON, a motion was made by Councilwoman Eberwein, seconded by Councilwoman Pepper to uphold the decision of the Board of Architectural Review and to deny the appeal.

WHEREUPON, a substitute motion was made by Councilman Euille that Council overturn the decision of the Board of Architectural Review and approve the applicant's appeal; which motion failed for lack of a second.

THEREUPON, a substitute motion was made by Councilman Speck, seconded by Councilman Euille to remand this back to the Board of Architectural Review with the sense of Council that we are willing to consider a gate there and for all of the parties to work it out.

WHEREUPON, there was a vote on whether to consider the substitute motion made by Councilman Speck and seconded by Councilman Euille as the main motion to remand back; which motion **FAILED** on a vote of 3-to-3, and the substitute motion dies. The voting was as follows:

Speck	"aye"	Cleveland	"no"
Euille	"aye"	Eberwein	"no"
Donley	"aye"	Pepper	"no"
		Woodson	left meeting

THEREUPON, Council returned to the main motion made by Councilwoman Eberwein, seconded by Councilwoman Pepper and carried on a vote of 4-to-2, City Council upheld the decision of the Board of Architectural Review and denied the appeal. The voting was as follows:

Eberwein	"aye"	Cleveland	"aye"
Pepper	"aye"	Euille	"no"
Donley	"aye"	Speck	"no"
		Woodson	left meeting

ORDINANCES AND RESOLUTIONS

18. Public Hearing, Second Reading and Final Passage of an Ordinance to amend Title 5, Chapter 7 of the City Code to establish specific regulations for dogs in public parks and playgrounds, and to amend Section 1-1-11 to clarify the civil penalty enforcement authority of City officers and employees. (#14 11/13/01) **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated November 7, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 18; 11/17/01, and is incorporated herewith as part of this record by reference.

A copy of an Informal Memorandum explaining ordinance is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 18; 11/17/01, and is incorporated herewith as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council present received a copy not less than 24 hours before said introduction, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 18; 11/17/01, and is incorporated herewith as part of this record by reference.)

The City Clerk read the docket item.

Councilwoman Eberwein requested to speak regarding this item prior to the public hearing. She indicated that this issue was raised several weeks ago where we were trying to deal with the increase in complaints, both to Council Members and to the Recreation Department, with regard to off-leash dogs running in the areas that are required to be on-leash. Many of those complaints came from pet owners themselves. With the ordinance that we currently have, we cannot use park employees to enforce any of our dog rules outside of designated off-leash areas. Part of this revision would deal with that, and Ms. Eberwein asked the City Attorney to define that in a little bit more detail.

City Attorney Pessoa explained that looking at the regulations as they apply to dogs in public parks, we have two areas. We have the off-leash exercise areas, and then we have the rest of the parks. Within the off-leash exercise areas if you remember a couple of months ago, Council adopted the master plan and some ordinance changes and the penalties for violating the off-leash exercise rules. In other words, having more than the permitted number of dogs, or having a dog in heat, what have you, are civil penalties that run \$100, \$250 and \$500. In addition, those off-leash exercise area violations can be enforced by the City police, by the animal control officers and by employees of the Department of Recreation, Parks and Cultural Activities. In the rest of the park, where the dogs have to be on leash and where owners are obliged to clean up after their dogs, the current law provides for penalties of \$50 for the first violation, \$100 for a subsequent violation, and the enforcement of that is limited to police officers and animal control officers. The proposed ordinance really makes two changes. In the areas of the park, not the exercise areas, the other areas, it authorizes the Parks and Recreation employees to enforce that you have to keep the dog on the leash, and you have to clean up after your dog regulations. It adds another category of enforcement personnel, and it also increases the penalties in parks from \$50 and \$100 to \$100 and \$250. The thought behind that, at least that staff had, was that many of these areas are heavily used. A violation is more egregious there, has more impacts, both on other park users that don't have dogs and on park users who have dogs that are on leash, and then you have a dog off leash running up to it and leading some times to problems. So, that was the justification for the increased penalties. The proposed ordinance increases the number of people who can enforce in park areas, and it increases the penalties in park areas.

Councilwoman Eberwein further explained that she is not trying to preclude any public testimony as she welcomes it; however, given the nature of the e-mails received, most of them had to do with not the issue of doing this enforcement but rather with the amount. Ms. Eberwein stated the current law only allows enforcement by Park and Recreation employees within the off-leash area, and that obviously is not working. The proposed ordinance would expand their bailiwick, so to speak, to the entire park. One of the ways we can enforce things is by having a real monetary deterrent and by expanding the number of people who can enforce those regulations. Councilwoman Eberwein elaborated on the complaints that have been received by Council and the Department of Recreation, Parks and Cultural Activities.

Councilwoman Eberwein offered an option based on the types of complaints received that had pretty much to do with the size of the fine and not necessarily with respect to enforcement. She suggested that Council can either consider the original proposal, but another option would be to simply have a non-complicated system that would have a \$100 fine per violation. That is the same as the current maximum fine we have for our non-park areas. Another option, not one that she'd prefer, would be to reduce the fine from \$150 to \$250, and have it be a graduated fine of \$75 to \$125, which is \$25 more on both ends of the scale from what we currently have on the books, but she believes our parks are in need of a little bit more protection from those who are

just not obeying the current rules that we have. She remarked that if there is any interest on Council, she could put forth a motion on the \$100 fine per violation, no step, but we may want to hear from the public.

Mayor Donley indicated that Council hear from the public either about the overall thrust of the ordinance as well as the fines, and then we can revisit Ms. Eberwein's suggestion.

The following persons participated in the public hearing on this item:

Catherine Finley, 15 East Rosemont Avenue, spoke against the level of the fee, stated that enforcement personnel should be uniformed and easily identified by the person being approached, and to tighten up the language in Section 1-1-11c(5) which is fairly broad;

Liz Tucci, 58 East Rosemont Avenue, spoke against the level of the fee, and noted that the wording seems to be a little out of balance, expressed concern about enforcement personnel and felt they should be in a uniform;

Sarita Schotta, 104 Prince Street, spoke against, a copy of her handout is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 4 of this item;

Yvonne Weight, 735 South Lee Street, spoke against the level of the fines, suggested instead of having two departments enforcing this that the City increase the authority of the animal welfare and give them more assistance for enforcement, and asked that this ordinance be delayed to see if we can't get some more working solutions going with staff;

Llewellyn Bigelow, 423 South Lee Street, spoke against and expressed concern about the level of the fines and the other suggested changes made in the ordinance;

Regina Wagner, 711 South Lee Street, spoke against the proposed ordinance, the increased fines, enforcement should lie with animal control officers, and requested that this be deferred;

Margaret Wylie, 320 North Alfred Street, spoke against, supported the comments made by previous speakers and expressed concern about using Recreation and Park personnel to enforce; and

Karma Whaley, 205 Guthrie Avenue, spoke against and expressed concern about the personnel who would be responsible for enforcement.

The public hearing was closed.

City Council participated in a discussion with respect to the comments received and provided instructions to the City Attorney that the fine structure be simplified and that the language relative to defining enforcement personnel be tightened.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilman Speck and carried on a vote of 6-to-0, City Council closed the public hearing and scheduled final passage of the ordinance for the December 11, 2001 legislative meeting which includes instructions to staff to simplify the fine structure and to tighten up the language relative to defining enforcement personnel. The voting was as follows:

Pepper	"aye"	Cleveland	"aye"
Speck	"aye"	Eberwein	"aye"
Donley	"aye"	Euille	"aye"
		Woodson	left meeting

19. Public Hearing, Second Reading and Final Passage of an Ordinance to amend Section 11-1302 of the Zoning ordinance to expand the type of cases that the Board of Zoning Appeals may hear as Special Exceptions. (#15 11/13/01) **[ROLL-CALL VOTE]**

The City Clerk read the docket item.

It was noted that there were no speakers on this item; therefore, the public hearing was concluded.

WHEREUPON, upon motion by Councilman Speck, seconded by Vice Mayor Cleveland and carried on a ROLL-CALL vote of 6-to-0, City Council finally passed the ordinance upon its Second Reading and Final Passage. The voting was as follows:

Speck	"aye"	Eberwein	"aye"
Cleveland	"aye"	Euille	"aye"
Donley	"aye"	Pepper	"aye"
		Woodson	left meeting

The ordinance finally passed reads as follows:

ORDINANCE NO. 4226

AN ORDINANCE to amend and reordain Section 11-1302 (SPECIAL EXCEPTION ESTABLISHED) of Division C (BOARD OF ZONING APPEALS), Article XI (DEVELOPMENT APPROVAL AND PROCEDURES) of the City of Alexandria Zoning Ordinance (TA No. 2001-0001).

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 11-1302 of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended to read as follows:

- 11-1302 Special exception established. A lot in a single family, two family or townhouse zone may be the subject of a special exception from the following zoning requirements pursuant to this Section 11-1300:
- (A) fences on corner lots, and
 - (B) yard and setback requirements, as follows:

(1) Yard and setback requirements applicable to the extension or enlargement of a single family, two family or townhouse dwelling only, within any one noncomplying plane of such dwelling.

(2) As used in this subsection, the term noncomplying plane means the vertical plane established by a wall, one story or more in height, of a main building which wall:

(a) does not comply with the yard or setback requirements of this ordinance,

(b) existed prior to the effective date of any change to the yard or setback regulations or restrictions applicable to such wall, and

(c) extends for more than 50% of the length of the building along the side containing such wall.

(3) The term noncomplying plane does not include any plane established in whole or in part by entrances, steps or other projections into a required yard.

(4) Nothing in this subsection shall be deemed to authorize the extension or enlargement of a single family, two family or townhouse dwelling beyond the height or floor area ratio permitted by the zone in which such dwelling is located, nor to authorize the approval of more than one special exception per dwelling under the provisions of this subsection.

Section 2. That Section 11-1302 of the City of Alexandria Zoning Ordinance be, and the same hereby is, reordained as part of the City of Alexandria Zoning Ordinance.

Section 3. That this ordinance shall become effective upon the date and at the time of its final passage.

KERRY J. DONLEY
Mayor

Introduction: November 13, 2001
First Reading: November 13, 2001
Publication: November 15, 2001
Second Reading: November 17, 2001
Final Passage: November 17, 2001

* * * * *

20. Public Hearing, Second Reading and Final Passage of an Ordinance to vacate a portion of the public street right-of-way at 109 Franklin Street. (#17 11/13/01)
[ROLL-CALL VOTE]

The City Clerk read the docket item.

It was noted that there were no speakers on this item; therefore, the public hearing was concluded.

WHEREUPON, upon motion by Councilman Speck, seconded by Councilwoman Pepper and carried on a ROLL-CALL vote of 6-to-0, City Council finally passed the ordinance upon its Second Reading and Final Passage. The voting was as follows:

Speck	"aye"	Cleveland	"aye"
Pepper	"aye"	Eberwein	"aye"
Donley	"aye"	Euille	"aye"
		Woodson	left meeting

The ordinance finally passed reads as follows:

ORDINANCE NO. 4227

AN ORDINANCE to vacate a part of the public street right-of-way in front of 109 Franklin Street, in the City of Alexandria, Virginia.

WHEREAS, Paul I. Kaplan ("Applicant"), the owner of the property at 109 Franklin Street in the City of Alexandria, Virginia, has applied for the vacation of a strip of the public right-of-way adjacent to the Applicant's property, of approximately 15 by 20 feet; and

WHEREAS, the Planning Commission of the City of Alexandria at one of its regular meetings recommended approval of the vacation such portion of the public right-of-way at this location; and

WHEREAS, the Council of the City of Alexandria has approved the recommendation of the Planning Commission; and

WHEREAS, pursuant to § 15.2-2008 of the Code of Virginia (1950), as amended, the City of Alexandria has required that, as a condition of this vacation, the portion of right-of-way to be vacated by this ordinance be purchased by the Applicant at its fair market value; and

WHEREAS, viewers, John Hines, Chair; Ross Bell and Lee Roy Steele, have been, and again by this ordinance are, duly appointed by the Council of the City of Alexandria, to make their report in conjunction with this vacation; and

WHEREAS, the procedures required by law, including the publication of notice in a newspaper of general circulation in the City of Alexandria, have been followed in conjunction with this vacation; and

WHEREAS, in consideration of the report of the viewers, of other evidence relative to this vacation and of compliance with the conditions set forth in this ordinance, the Council of the City of Alexandria, has determined that strip of the public street right-of-way to be vacated is no longer needed for public use and that it is in the public interest that it be vacated; therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That a 15 by 20.07 foot strip of the public right-of-way adjacent to 109 Franklin Street, as shown on the attached plat be, and the same hereby is, vacated.

Section 2. That the vacation made and provided by the preceding section of this ordinance be, and the same hereby is, subject the conditions set forth below:

(1) The Applicant shall prepare a plat of consolidation, showing the property vacated, and consolidating such property with the existing abutting lot, and the plat of consolidation shall be filed with the director of planning and zoning and among the land records of the City.

(2) Easements shall be retained for all public and private utilities located within the vacated right-of-way.

(3) The Applicant shall pay the City the sum of \$ 5,800 for the vacated property.

(4) An easement shall be retained for the existing public sidewalk.

(5) No curb cuts or off-street parking shall be permitted within the vacated area.

Section 3. That the city manager be, and hereby is, authorized to do on behalf of the City of Alexandria all things necessary or desirable to carry into effect this vacation, including the execution of documents.

Section 4. That the city clerk be, and hereby is, authorized to attest the execution by the city manager of all documents necessary or desirable to carry into effect this vacation, and to affix thereon the official seal of the City of Alexandria, Virginia.

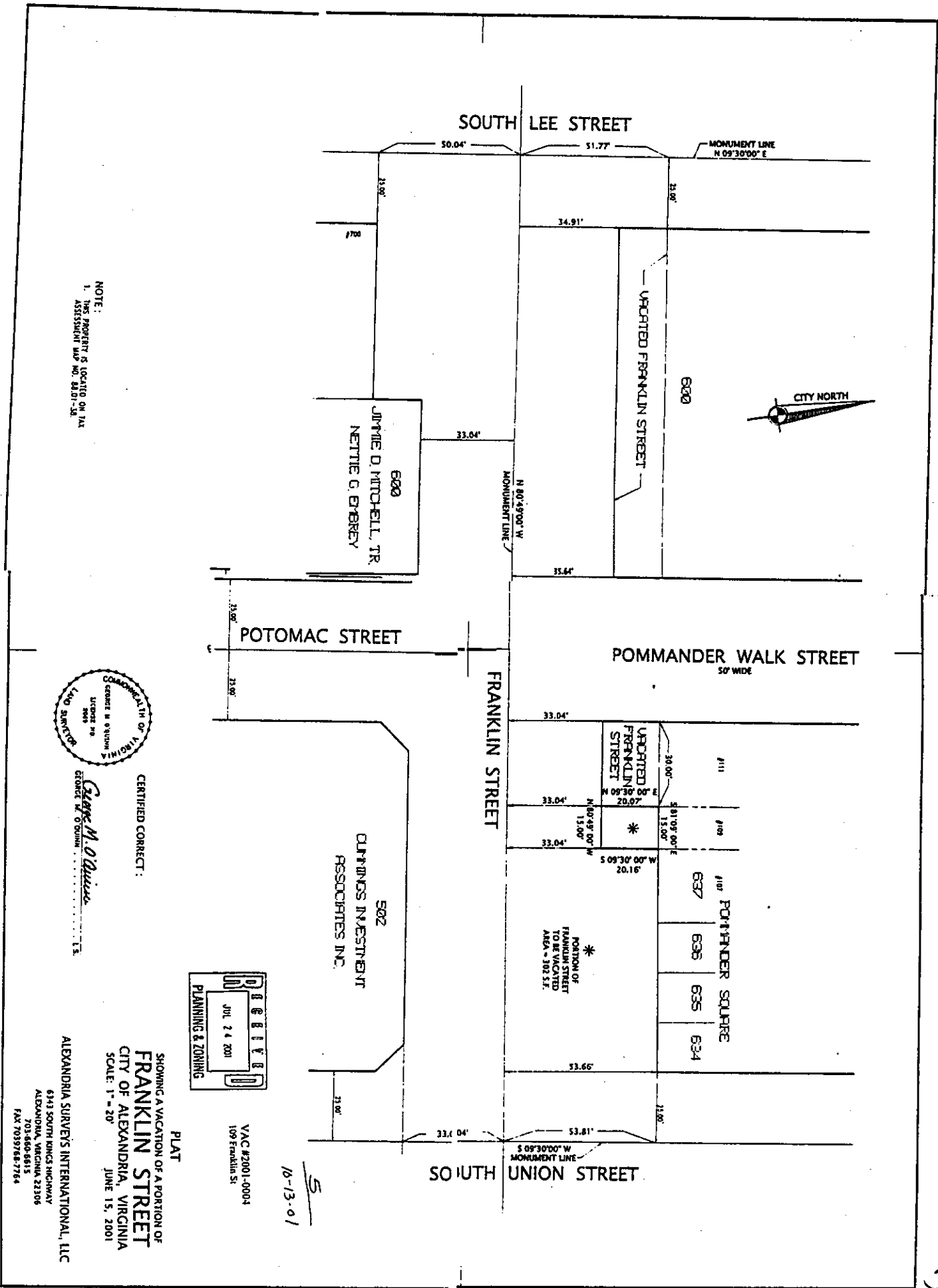
Section 5. That this ordinance shall be effective upon the date and at the time of its final passage; provided, however, that no recordation of this ordinance shall have any force or effect unless and to the extent annexed to a deed, executed by the city manager and attested by the city clerk, conveying the property vacated to the Applicant. The execution of such deed shall constitute conclusive evidence of compliance with the provisions of this ordinance. Such deed shall be recorded and indexed in the name of the City of Alexandria, as grantor, and the Applicant as grantee, and such recordation shall be done by the grantee at his own expense.

KERRY J. DONLEY
Mayor

Attachment: Plat of vacation

Introduction: November 13, 2001
First Reading: November 13, 2001
Publication: November 15, 2001
Second Reading: November 17, 2001
Final Passage: November 17, 2001

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REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

DEFERRAL/WITHDRAWAL CONSENT CALENDAR (21-25)

Planning Commission (continued)

21. DEVELOPMENT SPECIAL USE PERMIT #2001-0015 -- 3216 JEFFERSON DAVIS HIGHWAY -- CROWN STATION -- Public Hearing and Consideration of a request for a development special use permit for extension of time for approved renovations to an automobile service station; zoned CSL/Commercial Service Low. Applicant: Crown Stations, Inc., by Erika L. Byrd, attorney.

COMMISSION ACTION: Deferred 7-0

22. SPECIAL USE PERMIT #2001-0061 -- 4111 DUKE ST -- DANCING PEPPERS -- Public Hearing and Consideration of a special use permit review of restaurant; zoned CC/Commercial Community. Applicant: Grupo Dos Chiles, LLC, by Alfred W. Shriver, III.

COMMISSION ACTION: Deferred 7-0

23. SPECIAL USE PERMIT #2001-0069 -- 315 MADISON ST -- FLATBREADS -- Public Hearing and Consideration of a request for a special use permit to increase the indoor seating, to add outdoor seating, and to expand the hours of operation of an existing restaurant; zoned CRMU-X/Commercial Residential Mixed Use. Applicant: Ahmad Amarlooi.

COMMISSION ACTION: Deferred (Inadequate Notice) 7-0

24. ENCROACHMENT #2001-0007 -- 315 MADISON ST -- FLATBREADS -- Public Hearing and Consideration of a request for encroachment into the public sidewalk right-of-way for restaurant seating; zoned CRMU-X/Commercial Residential Mixed Use. Applicant: Ahmad Amarlooi.

COMMISSION ACTION: Deferred (Inadequate Notice) 7-0

25. SPECIAL USE PERMIT #2001-0068 -- 3100 JEFFERSON DAVIS HY -- MARINO'S RESTAURANT -- Public Hearing and Consideration of a request for a special use permit to extend the hours of operation and add outdoor seating to the existing restaurant; zoned CSL/Commercial Service Low. Applicant: Ather Subzwari.

COMMISSION ACTION: Deferred (Inadequate Notice) 7-0

END OF DEFERRAL/WITHDRAWAL CONSENT CALENDAR

Without objection, City Council noted the deferrals.

THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED, upon motion by Vice Mayor Cleveland, seconded by Councilwoman Pepper and carried unanimously by all those present, at 6:30 p.m., the Public Hearing Meeting of Saturday, November 17, 2001, was adjourned. The voting was as follows:

Cleveland	"aye"	Eberwein	"aye"
Pepper	"aye"	Euille	"aye"
Donley	"aye"	Speck	"aye"
		Woodson	left meeting

APPROVED BY:

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KERRY J. DONLEY	MAYOR

ATTEST:

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Beverly I. Jett, CMC	City Clerk